

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated the 3rd day of April, 1998

Present:

THE HON'BLE Mr. JUSTICE Y. BHASKAR RAO

and

THE HON'BLE Mr. JUSTICE S.R. BANNURMATH

WRIT PETITION No. 21186 OF 1997

1. Puttarajegowda,
S/o Channegowda,
aged 45 years,
R/a Mallipatna,
Arkalgud Taluk,
Hassan District.
2. Yesudas,
S/o Kondaiah,
aged 30 years,
R/a Mallipatna,
Arkalgud Taluk,
Hassan District.
3. Melegowda,
S/o Marigowda,
aged 50 years,
R/a Mallipatna,
Arkalgud Taluk.
4. A.C. Swamigowda,
S/o Channegowda,
aged 42 years,
R/a Aladahalli,
Mallipatna Hobli,
Arkalgud Taluk.

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5. Suresha,
S/o Krishna shetti,
aged 33 years,
R/a Mallipatna,
Arkalgud Taluk.
6. Mahalingappa,
S/o Kempachannegowda,
aged 37 years,
R/a. Aladahalli,
Mallipatna Hobli,
Arkalgud Taluk,
Hassan District.

PETITIONERS.

(By Sri. B. Rudragowda, Advocate)

-: VERSUS :-

1. State of Karnataka,
represented by its Secretary,
Department of Revenue,
M.S. Buildings,
Bangalore-1.
2. The Deputy Commissioner,
Hassan District,
Hassan.
3. The Assistant Commissioner,
Sakaleshpura Sub Division,
Sakaleshpura,
Hassan District.
4. Karnataka State Pollution
Control Board, by its
Member Secretary,
9th Floor, Public Utility
Bldg., M.G.Road,
Bangalore-1.

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5. Puttalakshamma,
Major, W/o Annegowda,
R/o Mallipatna,
Arkalgud Taluk,
Hassan District.

RESPONDENTS.

(By Sri. G. Balakrishna Shastry, Advocate, for
Respondent-5. Sri. S.N. Aswathanarayana, High
Court Government Pleader, for Respondents 1 to 3)

Writ petition filed under Articles 226 and 227
of the Constitution of India to quash the order of
conversion passed by the Assistant Commissioner,
Sakaleshpura, in No.LN.CR.11/96-97 dated 7-8-1996
(Annexure C) and to direct Respondent-4 to take
appropriate proceedings against the 5th respondent.

This petition coming up for hearing this day,
Bhaskar Rao, J. made the following:

O R D E R

This writ petition is filed as a Public Interest
Litigation. The facts are: Respondent-5 herein
applied for permission to construct a rice mill on
the land measuring 2 acres and 35 guntas in Survey
No.61/1 of Mallipatna village, Arakalgud Taluk,
Hassan District. Opposite to the said land, there
is a land in which a High School and a composite
Pre-University College are being run since a long
time. After the permission is granted, Respondent-5
constructed a rice mill and carries on rice milling
operations therein. The case of the petitioners
is that by the rice-milling operations there is

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heavy sound pollution and also air pollution due to the husk and dust produced in the rice milling operations and these pollutions cause hardship and health hazards to the students and Lecturers in the educational institutions. Therefore, the petitioners filed this writ petition as a Public Interest Litigation.

After notice to the parties, this Court appointed Smt. Nagaveni, Advocate, as Commissioner to make spot inspection in the presence of both parties and submit her report. The Advocate-Commissioner, after making spot inspection submitted her report. In the report she has specifically stated that she has examined the lecturers and the students of the school and the college and also measured the distance between the rice mill and the educational institutions. According to the report of the Commissioner, the rice-milling operations do not affect the educational institutions as they are about 365 feet away from the rice mill. Even the students and the lecturers examined also state that they are not disturbed by the rice-milling operations.

In view of the Commissioner's report, it is manifest that the operations carried on in

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the rice mill do not cause any pollution and health hazards to the students and lecturers of the educational institutions. The learned Commissioner has stated that the husk and dust produced during the rice-milling operations are collected and kept under thick cover, shutters and other required material so that they do not fly in the air and affect other parts including the educational institutions. Therefore, there is no possibility of environmental pollution.

In view of the circumstances, however, we direct Respondent-5 to take adequate measures to cover the place wherever the husk is free to fly in the air and further to take adequate steps while transporting also so that the husk and dust do not enter in the air and cause pollution.

The writ petition is disposed of in the above terms.



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Sd/-
JUDGE

Sd/-
JUDGE